

For Clerk's Office Use

Judge	Rec'd
-------	-------

U.S. DISTRICT COURT
AT ROANOKE, VA
FILED

NOV 29 2019

JULIA C. DUDLEY, CLERK
BY: DEPUTY CLERK

IN THE UNITED STATES DISTRICT
COURT FOR THE WESTERN DISTRICT
OF VIRGINIA

For use by inmates filing a complaint under CIVIL RIGHTS ACT, 42 U.S.C. §1983

Carl Odell Varner
Plaintiff full name

1111480
Inmate No.

v.

CIVIL ACTION NO. 7:19-cv-00800

V.D.O.C., Green Rock Correctional Center
Defendant(s) full name(s)

and others

A. Current facility and address: Green Rock Correctional Center

475 E Green Rock Lane, Chatham, Va. 24531

B. Where did this action take place? Green Rock Correctional Center

C. Have you begun an action in state or federal court dealing with the same facts involved in this complaint?

Yes

No

If your answer to A is Yes, answer the following:

1. Court: _____

2. Case Number: _____

D. Have you filed any grievances regarding the facts of this complaint?

Yes

No

1. If your answer is Yes, indicate the result:

Mrs. Massenburg stated it was a request even after I sent her a request that said it was an out and out complaint

2. If your answer is No, indicate why:

E. Statement of Claim(s): State briefly the facts in this complaint. Describe what action(s) each defendant took in violation of your federal rights and include the relevant dates and places. **Do not give any legal arguments or cite any cases or statutes.** If necessary, you may attach additional page(s). Please write legibly.

Claim #1 – Supporting Facts – Briefly tell your story without citing cases or law:

I have submitted a statement enclosed within this court document submitted to the court

Claim #2 – Supporting Facts – Briefly tell your story without citing cases or law:

in closed with law suit also

F. State what relief you seek from the Court. Make no legal arguments and cite no cases or statutes.

150,000

G. If this case goes to trial do you request a trial by jury? Yes ✓ No _____

H. If I am released or transferred, I understand it is my responsibility to immediately notify the court in writing of any change of address after I have been released or transferred or my case may be dismissed.

DATED: 11-21-19 SIGNATURE: Carl O. Varner Jr.

VERIFICATION:

I, Carl Odell Varner Jr., state that I am the plaintiff in this action and I know the content of the above complaint; that it is true of my own knowledge, except as to those matters that are stated to be based on information and belief, and as to those matters, I believe them to be true. I further state that I believe the factual assertions are sufficient to support a claim of violation of constitutional rights. Further, I verify that I am aware of the provisions set forth in 28 U.S.C. §1915 that prohibit an inmate from filing a civil action or appeal, if the prisoner has, on three or more occasions, while incarcerated brought an action or appeal in federal court that is dismissed on the grounds that it was frivolous, malicious, or failed to state a claim upon which relief may be granted, unless the prisoner is imminent danger of serious physical injury. I understand that if this complaint is dismissed on any of the above grounds, I may be prohibited from filing any future actions without the pre-payment of the filing fees.. I declare under penalty of perjury the foregoing to be true and correct.

DATED: 11-21-19 SIGNATURE: Carl O. Varner Jr.

Clerk

I have went through all the proper channels to try and resolve this issue of Deliberat Indifferance civil suit which violates my rights. I filed Informal Complaint that did no good then I filed Grievance, which the response was, this is a request which reads this is a complaint I filed because I was turned down for single cell status even when I showed Dr. Wang V.DOC paper work that states I am a known sexual Victim and a high risk sexual Victim also I am handicapped and can not step up into the shower and have to bath myself in my cell. And I am also a paranoid Schizapheenik with anxiety complex who has had 6 cellys in the past 6 months total time I have been here and the last two cellys I have had the arguments almost came to blows because I would watch them all the time.

Clerk

(2)

When I received the Grievance back there were not a level I appeal from Warden or a level II appeal & that I send to Regial Director for appeal in ~~order~~ so that I can try to resolve this issue! There for I file this law suit on the ground of Deliberate Indifferance

Sincerely

1111480

Carl O. Warner Jr.

①

Clerk

On or about 10-31-19 Dr. Wang turned me down for single cell status even after I showed him D.O.C. document that states I am a known Sexual Victim and a high risk sexual Victim. I am also handy caged can't step up into the shower and must bath in the cell. I also suffer from Paranoid schizophrenia with anxiety complex who has had 6 cellys in the last ~~6 months~~ months since I have arrived 3-27-19. The reason being I watch every move they make because I do not trust them for fear of both being sexual assaulted and battery because of my mental instability. I take high doses of medications that help me to remain in my mind.

②

tal Illness. This denial of
a single cell results in to
Deliberate Indifference
on his part

Carl O Varner Jr ¹¹¹⁴⁸⁰

Carl O Varner Jr

(i)

I have written the ADA Coordinator, the Warden, the Regional Operations Chief (Henry Ponton) and the Health Services staff. I cited two V.D.C. operating procedures related to your request for single cell and services for the disabled Op 801.3

3. In cases where an offender read, speaks, or is dyslexic, the facility should contact the D.O.C., ADA for further review.
4. The facility should provide education, equipment and facilities, and the support necessary for offenders with disabilities to perform self care and personal hygiene/hygiene in a reasonable private environment. ~~41-414-4144~~, 41-ACRS-6A-04-2
5. Durable medical equipment in ~~good~~ appropriate working order, supplies, disabilities aids, and prostheses are ordered, maintained, provided and available for offenders to use as medically necessary.
6. Facilities housing offenders with disabilities should make provisions to meet the educational and vocational needs of the required special purpose inmates.

because of physical, mental, emotional or learning ~~disabilities~~ disabilities. (4-4475)

O.P.801.1

8. Single-occupancy cell/rooms, measuring a total of 80 square feet of which which 35 square feet is unencumbered space shall be available, when indicated, for the following: (4-4233)

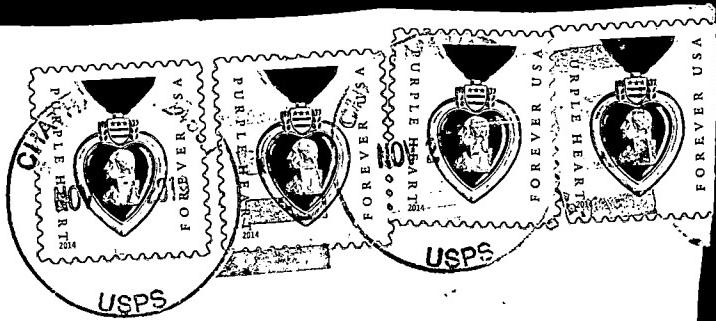
- A Offenders with severe medical disabilities
- B Offenders suffering from serious mental illness.
- C Sexual predators.
- D Offenders likely to be exploited or victimized by others
- E Offenders who have other special needs

(Deliberate Indifference): is an intent or state of mind requirement. Therefore, before you decide to file any claims in court, you must understand this requirement.

~~No matter you have~~ No matter how badly you have been hurt ~~or~~ or fear getting hurt in the future, your claims will fail unless the officials you sue had advance notice of the dangers.

Carl O. Varnier Jr. #1111400
Green Rock Correctional Center
475 Green Rock Lane
Chatham, Va 24531

Clerk
United States Di:
210 Franklin
Roanoke, Va.



District Court
Road SW, Suite 540
24011-2208